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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,590	11/09/1999	BRANT L. CANDELORE	80398.P217	8195

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10/29/2002

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EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,590

Applicant(s)

CANDELORE, BRANT L.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.

4a) Of the above claim(s) 1-9, 16, 17, 19-27, 34, 35, 37-45, 52, 53, 55-63, 70 and 71 is/are withdrawn from consideration.

- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-15, 18, 28-33, 36, 46-51, 54 64-69 and 72 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Art Unit: 3621

DETAILED ACTION

STATUS

Claims 1-9, 16-17, 19-27, 34-35, 37-45, 52-53, 55-63 and 70-71 have been canceled

Claims 10-15, 18, 28-33, 36, 46-51, 54 64-69 and 72 remain pending

Response to Arguments

The applicants arguments submitted on August 8, 2002 have been fully considered. Objected claims 17,35,51,and 71 have been rewritten in independent form, however newly found reference to Parks (US Patent 6,028,932) renders these claims unpatentable. See following rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-15, 18, 28-33, 36, 46-51, 54, and 64-69, 72 are rejected under 35 U.S.C. 103(a) as being anticipated by Muratani et al. (US Patent 6,061,451) in view of Park (US Patent 6,028,932)

As per claim 10,

Muratani et al ('451)discloses a copy management method for controlling the recording and reproduction of digital content comprising:

receiving a digital bitstream including program data, said program data including system information and said digital content in a scrambled format; (Figure 2)

descrambling said digital content in a scrambled format to provide a first output including said digital content in a descrambled format; (Figure 2)

providing a second output including said digital content in the scrambled format; (Figure 2)

outputting said first output including said digital content in the descrambled format and the second output including said digital content in the scrambled format; (Figure 2)

receiving a plurality of access requirements, wherein each access requirement can descramble the program data, selecting at least one of the access requirements; ;(column 13, lines 57-67; column 14 lines1-9)

storing the scrambled program data and the selected at least one access requirement.(Figure 2)

Art Unit: 3621

Muratani et al ('451) does not explicitly disclose, "retrieving the stored scrambled program data and the stored access requirement (column 8, lines 42-44) and descrambling the scrambled program using the access requirement in a second conditional access unit ". Park ('932) discloses "retrieving the stored scrambled program data and the stored access requirement (column 8, lines 12-17) and descrambling the scrambled program using the access requirement in a second conditional access unit(column 8, lines 37-48)"

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Muratani et al method with Park's teaching of retrieving and descrambling data in order to make the encrypted media available to consumers.

As per claims 28, 46, and 64, these claims are parallel with respect to claim 10

As per claim 11,

Muratani et al ('451) discloses the copy management method of claim 10, further comprising

receiving and recording said digital content of said second output in a scrambled format.(Figure 2)

As per claims 29, 47, and 65, these claims are parallel with respect to claim 11

As per claim 12,

Muratani et al ('451) discloses the copy management method of claim 10, further comprising:

demultiplexing said digital content from said program data;

decompressing said digital content in a descrambled format to a decompressed state.

(Figure 2)

As per claims 30, 48, and 66, these claims are parallel with respect to claim 12

As per claim 13,

Muratani et al ('451) discloses the copy management method of claim 12, wherein said decompressing is executed in an MPEG decoder. (column 2, lines 50-58)

As per claims 31, 49, and 67, these claims are parallel with respect to claim 13

As per claim 14,

Muratani et al ('451) discloses the copy management method of claim 10, wherein said digital content is content contained in digital television transmissions. (column 20, lines 50-55)

As per claims 32, 50, and 68, these claims are parallel with respect to claim 14

As per claim 15,

Muratani et al ('451) discloses the copy management method of claim 10,

Art Unit: 3621

wherein said digital content is content downloaded from the Internet. (column 20, lines 50-55)

As per claims 33, 51, and 69, these claims are parallel with respect to claim 15

As per claim 18,
Muratani et al ('451) discloses the copy management method of claim 10, wherein said descrambling comprises:
extracting a descrambling key included in said program data; and
applying said descrambling key to said digital content in a scrambled format to provide said digital content in a descrambled format.

As per claims 36, 54, and 72, these claims are parallel with respect to claim 18

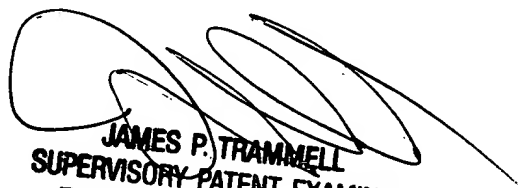
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW
October 21, 2002


JAMES P. TRAMMELL
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